

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION

FRANK DASTA AND STACEY DASTA, )  
  )  
Plaintiffs,                         )  
  )  
v.                                     )   Cause No. \_\_\_\_\_  
  )  
  )  
RESPONSE WORLDWIDE INSURANCE )  
COMPANY,                             )   Circuit Court of the Buchanan County  
  )   Cause No. 10BU-CV00113  
Defendant.                         )

**NOTICE OF REMOVAL**

COMES NOW defendant, Response Worldwide Insurance Company, and pursuant to 28 U.S.C. 1441 and 1446, and files this Notice of Removal to the United States District Court for the Western District of Missouri, St. Joseph Division, and in support of removal to this Court, states:

1. This is a civil action that was originally filed on or about January 11, 2010 in the Circuit Court of Buchanan County, Missouri, bearing Cause Number 10BU-CV00113, in which the plaintiffs are Frank Dasta and Stacey Dasta and the defendant is Response Worldwide Insurance Company. In that action, plaintiffs seek to recover from defendant the proceeds of a policy for uninsured and/or underinsured motorist insurance. Plaintiffs allege breach of contract, vexatious refusal and are also seeking punitive damages in a separate count.

2. This Court has original jurisdiction of that action under 28 U.S.C. 1332(a), and it is removable to this Court pursuant to 28 U.S.C. 1441.

3. The plaintiffs are residents of and citizens of the State of Missouri, and were so when they filed their Petition and they ever since have been.

4. The defendant was at the time the Petition was filed, and is now, an insurance corporation, incorporated in the State of Connecticut, with its principal place of business in the State of Connecticut, and is a citizen and resident of the State of Connecticut.

5. Therefore, the action is between parties of diverse citizenship.

6. Plaintiffs' Petition establishes, by a preponderance of the evidence, the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000. Specifically, Count I seeks damages in excess of \$210,000; Count II seeks additional punitive damages; and Count III seeks damages in excess of \$75,000.

7. This Notice of Removal was filed within thirty (30) days of defendant being served with the Summons and Petition for this matter.

8. Immediately after the filing of this Notice of Removal, the defendant gave written notice thereof to the attorneys for plaintiffs, and to the Clerk of the Circuit Court of Buchanan County, Missouri, and have provided both with copies of this Notice of Removal.

9. All process, pleadings and Orders that were filed in the state court action are attached to this Notice of Removal as Defendant's "Exhibit A."

WHEREFORE, defendant Response Worldwide Insurance Company requests that the above-referenced state court action be removed from the Circuit Court of Buchanan County, Missouri, to this Court, and that the Court accept jurisdiction of the case.

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Attorneys for Defendant

Copy of the foregoing mailed this 18<sup>th</sup> day of Feb, 2010, to: Ms. Stacey J. Lett,  
Accurso & Lett, LLC, Attorneys for Plaintiffs, 4745 West 136<sup>th</sup> Street, Leawood, Kansas 66224.

JLC/8556455

*Jeffrey Cramer*